Information Concerning the Filing of International Applications Containing Large Nucleotide and/or Amino Acid Sequence Listings in the United States Receiving Office

New Part 8 of the Administration Instructions (AI) under the Patent Cooperation Treaty became effective as of 11 January 2001. Under AI § 801(a), applicants may file the nucleotide and/or amino acid sequence listing part of the description of an international application on an electronic medium in computer readable form with certain receiving Offices. At the present time, the United States Receiving Office (RO/US) **has not** notified the International Bureau (IB) under AI § 801(b) that it will be generally accepting the filing of international applications under AI § 801(a). The RO/US will, however, accept such applications in a particular case pursuant to AI § 801(c), provided that applicant follows the Guidelines set forth below.

Applicants will usually achieve a significant fee savings by filing international applications with sequence listings over four hundred (400) pages long under AI § 801(a). The potentially reduced basic fee described in AI § 803 is available to applications filed pursuant to the Guidelines below. Applicants who do not wish to file under AI § 801(a) may submit the sequence listing part under conventional filing procedures but will not be eligible for the potentially reduced basic fee described in AI § 803.

When filing an international application under AI § 801(a), applicant should not submit a paper copy of the Sequence Listing part. To address potential concerns regarding electronic media reliability, the RO/US will test the readability of Sequence Listing parts submitted on compact disc media and notify applicant of the results. As detailed in the Guidelines below, applicant may elect to have the readability testing and notification performed on an expedited basis.

Guidelines for Filing a Sequence Listing Part on Electronic Media

I. What to Submit

A. Complete International Application with Sequence Listing File on Electronic Media

Number of Copies - 4

Applicant shall submit four (4) copies of the Sequence Listing, each copy on an electronic medium or set of electronic media if additional capacity is needed. One copy, called the "computer readable form" (CRF) copy required by PCT Administrative Instructions (AI) Annex C § 39 *et seq*, may be submitted on any acceptable medium under 37 CFR 1.824(c), although compact disc (CD) media is preferred. The remaining three copies must be submitted only on CD media as specified below.

Acceptable CD Media

(1) CD-R
Type: 120mm Compact Disc Recordable
Specification: ISO 9660, 650MB; or

(2) CD-ROM
Type: ISO/IEC 10149:1995, 120mm Compact Disc Read Only Memory
Specification: ISO 9660, 650MB

Packaging

Each electronic medium shall be enclosed in a hard protective case within a padded envelope.

Labeling

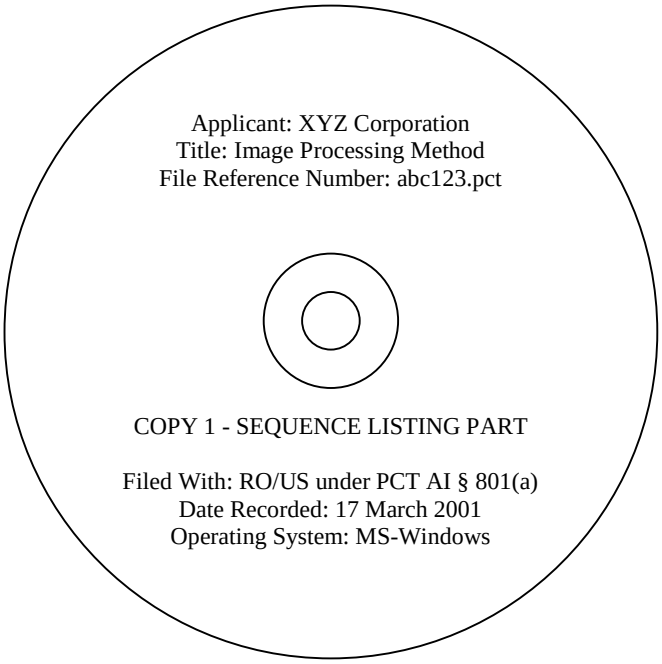
The four (4) copies shall be labeled as follows:

"COPY 1 – SEQUENCE LISTING PART"
"COPY 2 – SEQUENCE LISTING PART"
"COPY 3 – SEQUENCE LISTING PART"
"CRF"

Additionally, the labeling shall contain the following information:

1. Name of Applicant
2. Title of Invention
3. Applicant's or Agent's File Reference Number
4. Date of Recording
5. Computer Operating System Used
6. Name of the Competent Authority (i.e. the RO/US)
7. Indication that the Sequence Listing part is being filed under AI § 801(a)
8. If the Sequence Listing file consumes more than one CD, an indication such as "DISK 1/3", "DISK 2/3", and "DISK 3/3"

An example of a properly labeled electronic medium appears below.



Important Notes:

1. The electronic medium itself **must** be neatly labeled with the required information. Labeling of the protective case is optional but preferred.
2. Sequence Listings submitted for correction, rectification, or amendment must satisfy the additional labeling requirements of AI § 802(b).

Contents of CDs

The CDs shall contain only the Sequence Listing part. No tables, programs, or explanatory files shall appear on the same CD as the Sequence Listing.

File Format

The Sequence Listing file must be in compliance with the American Standard Code for Information Interchange (ASCII) and formatted in accordance with AI Annex C ¶ 41. No file compression, copy protection, or encryption techniques are permitted.

B. A document entitled "Compact Disc Transmittal Form For Submission Of Sequence Listing To The United States Receiving Office Under PCT Administrative Instructions - Part 8" (please see attached sample) containing the following information:

1. Name of Applicant
2. Applicant's or Agent's File Reference Number
3. Title of Invention
4. Name of Sequence Listing File (as per CD directory)
5. Size of Sequence Listing File (in bytes or kilobytes as per CD directory)
6. Date of Sequence Listing File (as per CD directory)
7. Statement that the four (4) submitted copies of the Sequence Listing are identical
8. Contact information for CD readability testing
   a. Name of Contact
   b. Telephone Number
   c. Facsimile Number
9. Signature of Applicant, Agent, or Common Representative

Note: The "Compact Disc Transmittal Form For Submission Of Sequence Listing To The United States Receiving Office Under PCT Administrative Instructions - Part 8" is separate and apart from any other transmittal letter or form. The Transmittal Letter requirement cannot be satisfied by incorporating the obligatory information into any other document.

II. Testing of CDs for Readability

The RO/US will test Sequence Listing parts submitted on CD media. This test will verify only the "readability" of the data on the CD, not compliance with all of the requirements for an international application, which will be evaluated in due course. After the test has been performed, the RO/US will transmit an "Acknowledgement of Receipt of Files on Compact Disc" to applicant via facsimile.

Optional Expedited Testing:

To encourage use of CD media for submission, the RO/US will expedite the testing and notification procedure upon request by the applicant. Under the expedited procedure, the RO/US will perform a readability test and transmit an "Acknowledgement of Receipt of Files on Compact Disc" to applicant via facsimile within 3 working days. There is no charge for

the expedited service. **To request the expedited service, applicant must schedule hand delivery of the entire international application, including the items set forth in Section I of these Guidelines**, by contacting:

PCT Operations Receptionist
(703) 305-3165

III. Where to Submit

If applicant has requested the expedited testing procedure described above and has scheduled delivery with the RO/US, the entire international application, including the items set forth in Section I of these Guidelines, should be hand delivered to:

PCT Operations Receptionist
Crystal Plaza 2 - 8th Floor
2011 South Clark Place
Arlington, VA 22202

Otherwise, the entire international application, including the items set forth in Section I of these Guidelines, should be mailed to:

Commissioner for Patents
Box PCT
Washington, D.C. 20231

IV. Questions Concerning Submissions of Sequence Listings on Electronic Media

Contacts:

Jay Lucas, Senior Legal Advisor, Office of PCT Legal Administration
jay.lucas@uspto.gov or (703) 308-6868

Bryan Tung, PCT Legal Examiner, Office of PCT Legal Administration
bryan.tung@uspto.gov or (703) 308-6614

Susan Wolski, PCT Special Programs Examiner, Office of PCT Legal Administration
susan.wolski@uspto.gov or (703) 308-3984.

COMPACT DISC TRANSMITTAL FORM FOR SUBMISSION OF SEQUENCE LISTING TO THE UNITED STATES RECEIVING OFFICE UNDER PCT ADMINISTRATIVE INSTRUCTIONS - PART 8

For Receiving Office Use Only

International Application Number

For Receiving Office Use Only

Date of transmission back to applicant

For Receiving Office Use Only

Date of receipt in RO/US

CDs received

INTERNATIONAL APPLICATION DATA

Name of Applicant: _____

Applicant's or Agent's File Reference Number: _____

Title of Invention: _____

APPLICANT'S CONTACT INFORMATION	**SEQUENCE LISTING FILE ON CD**
Name of Contact: _____	Name of File (as per CD directory): _____
Telephone Number: _____	Size of File (in bytes or kilobytes): _____
Facsimile Number: _____	Date of File (as per CD directory): _____

STATEMENT

I hereby certify that the four copies of the Sequence Listing submitted herewith are identical.

Signature of Applicant, Agent, or Common Representative: _____

Name of Person Signing: _____

For Receiving Office Use Only

ACKNOWLEDGEMENT OF RECEIPT OF FILES ON COMPACT DISC

The Sequence Listing file identified on this Compact Disc Transmittal Form was received by the RO/US and tested on a USPTO computer with the following results.

COPY 1:	☐ READABLE	☐ UNREADABLE	☐ MISSING
COPY 2:	☐ READABLE	☐ UNREADABLE	☐ MISSING
COPY 3:	☐ READABLE	☐ UNREADABLE	☐ MISSING
CRF:	☐ READABLE	☐ UNREADABLE	☐ MISSING

_____ (name of tester)

_____ (date)

If one or more copies of the Sequence Listing file is indicated as "UNREADABLE" or "MISSING" above:

☐ Applicant must file _____ replacement copies along with a statement that the replacement copies contain no new matter within _____ days from the transmission date of this Acknowledgement.

☐ The RO/US will produce the necessary replacement copies. Applicant must pay a service charge of $_____ within _____ month(s) from the transmission date of this Acknowledgement.